

**Senate File 179 - Introduced**

SENATE FILE 179  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1011)

**A BILL FOR**

- 1 An Act relating to kidnapping, and providing penalties.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 710.3, Code 2015, is amended to read as  
2 follows:

3 **710.3 Kidnapping in the second degree.**

4 1. Kidnapping ~~where the~~ in the second degree is any of the  
5 following:

6 a. Where the purpose of the kidnapping is to hold the victim  
7 for ransom ~~or where the~~.

8 b. Where the kidnapper is armed with a dangerous weapon  
9 ~~is kidnapping in the second degree. Kidnapping in the second~~  
10 ~~degree is a class "B" felony.~~

11 c. Where the victim of the kidnapping is under eighteen  
12 years of age other than a kidnapping by a relative whose sole  
13 purpose of the kidnapping is to assume custody of the victim.

14 2. For purposes of determining whether the person should  
15 register as a sex offender pursuant to the provisions of  
16 chapter 692A, the fact finder shall make a determination as  
17 provided in section 692A.126.

18 3. Kidnapping in the second degree is a class "B" felony.

19 Sec. 2. Section 710.4, Code 2015, is amended to read as  
20 follows:

21 **710.4 Kidnapping in the third degree.**

22 1. All other kidnappings are kidnappings in the third  
23 degree. Kidnapping in the third degree is a class "C" felony  
24 except as provided in subsection 2.

25 2. a. If a person is convicted of kidnapping in the third  
26 degree and the person has a previous conviction for kidnapping,  
27 the person is guilty of a class "B" felony.

28 b. In determining if a violation charged is a previous  
29 conviction for purposes of criminal sentencing under this  
30 subsection, a conviction in this state or under statutes  
31 substantially corresponding to this section in another state,  
32 or in a federal, military, tribal, or foreign court, shall be  
33 counted as a previous conviction. A previous conviction also  
34 includes a juvenile who has been adjudicated delinquent but  
35 whose juvenile court records have been sealed under section

1 232.150, a juvenile prosecuted as an adult, and a person who  
2 has received a deferred sentence or deferred judgment.

3 3. For purposes of determining whether the person should  
4 register as a sex offender pursuant to the provisions of  
5 chapter 692A, the fact finder shall make a determination as  
6 provided in section 692A.126.

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with  
9 the explanation's substance by the members of the general assembly.

10 The bill expands the definition of kidnapping in the second  
11 degree to include any kidnapping of a person under 18 years of  
12 age other than a kidnapping by a relative whose sole purpose  
13 of the kidnapping is to assume custody of the victim. A person  
14 who commits kidnapping in the second degree commits a class "B"  
15 felony under current law and in the bill.

16 A person who commits kidnapping in the second degree may  
17 also be required to register as a sex offender if the fact  
18 finder makes a determination that the kidnapping was sexually  
19 motivated under Code section 692A.126.

20 The bill also enhances the penalty for kidnapping in the  
21 third degree. If a person is convicted of kidnapping in  
22 the third degree and the person has a previous conviction  
23 for kidnapping, the bill increases the criminal penalty for  
24 kidnapping in the third degree from a class "C" felony to a  
25 class "B" felony.

26 In determining if a violation charged is a previous  
27 conviction for purposes of criminal sentencing under the bill,  
28 a conviction in this state or under statutes substantially  
29 corresponding to this Code section in another state, or in a  
30 federal, military, tribal, or foreign court, shall be counted  
31 as a previous conviction. A previous conviction also includes  
32 a juvenile who has been adjudicated delinquent but whose  
33 juvenile court records have been sealed under Code section  
34 232.150, a juvenile prosecuted as an adult, and a person who  
35 has received a deferred sentence or deferred judgment.